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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,)
15 Plaintiff,)
16 v.)
17 JENNIFER XIAO,)
18 Defendant.)
19 _____)

No. 3-12-71319-MAG
STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME PURSUANT
TO FED. R. CRIM. P. 5.1 AND 18 U.S.C.
§ 3161(h)

20 The parties, by and through counsel, stipulate and agree as follows:

21 1. The time limits in Fed. R. Crim. P. 5.1(c) shall be extended to and until January 25,
22 2013. Counsel for defendant has a conflicting court appearance in San Mateo County on the
23 morning of January 24, 2013.

24 2. The parties have engaged in discussions and agreed to proceed by Information, which
25 will be filed before January 25, 2013. The parties agree that extending the time limits of Rule
26 5.1 serves the ends of justice and outweighs the interests of the public and the defendant in a
27 speedy trial, and that failing to extend the time limits would deny counsel for the government
28 and the defendant the reasonable time necessary for effective preparation, taking into account the

1 exercise of due diligence. 18 U.S.C. § 3161(h)(7).

2 3. The next court appearance in this case shall be January 25, 2013, at 9:30 am before
3 the duty magistrate in San Francisco, for preliminary hearing or indictment. The parties may
4 seek further extension of the time limits in Rule 5.1(c) by stipulation.

5 SO STIPULATED AND AGREED,

7 DATED: 1/24/2013

MELINDA HAAG
United States Attorney

/s/

9
10 JOHN H. HEMANN
Assistant United States Attorney

12 DATED: 1/24/2013

11
12 /s/
13 CHARLES SMITH
Counsel for Jennifer Xiao

14
15 **[PROPOSED] ORDER**

16 Pursuant to stipulation, Fed. R. Crim. P. 5.1, and 18 U.S.C. § 3161(h)(7), IT IS SO
17 ORDERED.

18
19 DATED: January 24, 2013

18 
19 LAUREL BEELER
20 United States Magistrate Judge